

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

DIONICIO CARBAJAL, #1248101 §  
VS. § CIVIL ACTION NO. 6:16cv265  
DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

Petitioner Dionicio Carbajal, a prisoner confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging a prison disciplinary proceeding. The petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition should be dismissed. Petitioner has filed objections.

The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Petitioner, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. It is specifically observed that Petitioner erroneously argued in his objections that his petition may be considered on the merits. Petitioner, however, does not have a protected liberty interest in having his claims considered on the merits since he is ineligible for release on mandatory supervision. *See Malchi v. Thaler*, 211 F.3d 953, 957-58 (5th Cir. 2000). *See also Dorsey v. McFarlin*, 609 F. App'x 266, 267 (5th Cir. 2015). Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Report and Recommendation (docket entry #4) is **ADOPTED**. It is further

**ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. It is further

**ORDERED** that a certificate of appealability is **DENIED**. It is finally

**ORDERED** that all motions not previously ruled on are **DENIED**.

**It is SO ORDERED.**

SIGNED this 20th day of May, 2016.



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE